

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEANIECE D. CARTER,

Plaintiff,

No.19-12381

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

UNIVERSITY OF TEXAS AT DALLAS,  
ET AL.,

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**ORDER**

Before the Court is Defendants’ motion to stay discovery [ECF No. 33]. Specifically, Defendants seek to stay discovery pending resolution of their amended motion to dismiss complaint [ECF No. 17].

The Defendants’ motion to dismiss is based in part on their assertion of Eleventh Amendment immunity, an issue that does not require discovery as to the underlying factual basis of this case. *See Harlow v. Fitzgerald*, 457 U.S. 800 (until a “threshold immunity question is resolved, discovery should not be allowed”); *see also Criss v. City of Kent*, 867 F.2d 259, 261 (6<sup>th</sup> Cir. 1988)(“discovery in litigation against government officials should be halted until the threshold question of immunity is resolved.”).

Accordingly, Defendants’ motion to stay discovery [ECF No. 33] is GRANTED, and discovery is STAYED pending final resolution of Defendants’ motion to dismiss [ECF No. 17].

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: December 23, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify on December 23, 2019, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on December 23, 2019.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen